

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EARVIN DAVIS,  
#227488,

Petitioner,

Civil Action No. 20-CV-11744

vs.

HON. BERNARD A. FRIEDMAN

CONNIE HORTON,

Respondent.

\_\_\_\_\_ /

**ORDER TRANSFERRING CASE TO THE**  
**UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT**

Petitioner has filed an application in this matter for a writ of habeas corpus. He challenges his state court conviction for second-degree murder. This appears to be a second or successive petition, the first petition having been denied in 2016. *See Davis v. Bauman*, No. 4:16-CV-10349 (E.D. Mich. May 17, 2016). In 2017, the court of appeals denied petitioner permission to file a second habeas petition. *See In Re Davis*, No. 16-2470 (6th Cir. Apr. 25, 2017).

Under 28 U.S.C. § 2244(b)(3)(A), an individual seeking to file a second or successive habeas petition must first obtain an order from the appropriate court of appeals authorizing the filing of the petition. If, as in the present case, petitioner fails to do so, the district court must transfer the matter to the court of appeals. *See In re Sims*, 111 F.3d 45 (6th Cir. 1997). Accordingly,

IT IS ORDERED that the Clerk of Court transfer this matter to the United States Court of Appeals for the Sixth Circuit.

Dated: July 9, 2020  
Detroit, Michigan

s/Bernard A. Friedman  
Bernard A. Friedman  
Senior United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 9, 2020.

Earvin Davis, #227488  
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s/Johnetta M. Curry-Williams  
Case Manager